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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,764	12/28/2005	Alessandro Celli	72090	8761
23872	7590	07/24/2007		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER PATEL, TAJASH D	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,764

Applicant(s)

CELLI, ALESSANDRO

Examiner

Tejash D. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/28/05 (Pre-Amdt).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nistri et al. (US 4,650,409). Nistri et al (hereinafter Nistri) discloses a device for mixing fibers in a gaseous flow including a rectangular shaped duct (5) for suspending fibers, col. 4, lines 1-5 with the duct having an inlet and an outlet such that a plurality of first pair of rotors (7) are on the inlet side and a plurality second pair of rotors (7') are arranged perpendicular to the flow and equipped with radial elements (107') defined as rod shaped members that are constrained to respective rotating shaft, col. 4, lines 61-66 and as shown in figures 4-6. Each of the rotors of the plurality of first and second pairs have axes of rotation parallel to one another as shown in figures 4 and 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nistri in view of Wyss et al. (US 2,676,694). Nistri discloses the invention as set forth above except for showing the plurality of first and second rotors rotating in opposite direction to one another.

Wyss et al. (hereinafter Wyss) discloses a plurality of rotors with each having radial elements (30) that rotate in opposite direction to one another as shown in figures 1 and 2.

It would have been obvious that the plurality of first and second rotors of Nistri can rotate in opposite direction to one another as taught by Wyss in order to uniformly break up the fibers or depending on the end use thereof.

5. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nistri.

With regard to claim 12, the first and second rotors are actuated by a electric motor (307, 307'), col. 4, lines 16-18. It would have been obvious that the first and second motors of Nistri can rotate at variable speeds as required for a particular application thereof.

With regard to claims 13 and 14, it would have been obvious that a moving pervious web (8), col. 4, lines 21-30 of Nistri having a suction box (9,10) on opposite side thereof can be substituted with a pervious forming wire as an alternative but equivalent means for forming an article or depending on the end use thereof.

Further with regard to claims 15 and 16, the fibers within the duct (5) of Nisti can have a A dense arrangement in central or peripheral zone as required for a particular end use thereof.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nistri in view of Swenson et al. (US 672,297). Nisti discloses the invention as set forth above except for showing

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radial elements of adjacent rotors that interfere with one another.

Swenson et al. (herein after Swenson) discloses vertical rotors with each having radial elements (b,d) that interfere with one another.

It would have been obvious to one skilled in the art at the time the invention was made to recognize that the radial elements of Nistri can interfere with one another as taught by Swenson so that the fibers are uniform in size before the web is formed or depending on the end use thereof.

7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993.

The fax number for the group is (571) 273-8300.

July 17, 2007



**TEJASH PATEL
PRIMARY EXAMINER**